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JUL 29 2005

In re Application of
Charles A. Miller and Benjamin N. Eldridge
Application No. 09/886,521
Filed: 20 June 2001
Attorney Docket No. 3401P097

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: **OFFICE OF PETITIONS**
: **DECISION GRANTING PETITION**
: **UNDER 37 CFR 137(b)**
:

This is a decision on the petition under 37 CFR 1.137(b), filed 9 May 2005, to revive the above-identified application. The instant application became abandoned for failure to reply to the official action mailed 18 May 2004.

The petition is **GRANTED**.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment and a Request for Continued Examination (RCE); (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of 18 May 2004 is accepted as having been unintentionally delayed.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1020 extension of time submitted with the petition on 9 May 2005 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application file is being referred to Technology Center Art Unit 2833 for appropriate action on the concurrently filed response.

Any questions concerning this matter may be directed to Erik Kielin at (571) 272-6051, or in his absence, the undersigned at (571) 272-3217.

Karen Cready for

Brian Hearn

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy

cc:

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